

## **PUBLIC SCHOOLS**

### **HB 281 — School Districts/Paperwork Reduction**

by Rep. Sansom and others (SB 784 by Senators Haridopolos and Crist)

The bill (Chapter 2005-31, L.O.F.) creates a Paper Reduction Task Force to recommend ways to minimize the paperwork burden placed on school districts and school district personnel. The task force will consist of the Commissioner of Education, three members appointed by the President of the Senate, three members appointed by the Speaker of the House of Representatives, three individuals appointed by the Governor, and three teachers appointed by the Commissioner of Education. The task force is to report its findings and recommendations to the President of the Senate and the Speaker of the House of Representatives by February 1, 2006. The task force shall be abolished upon the transmittal of the report.

These provisions became law upon approval by the Governor on May 10, 2005.

*Vote: Senate 40-0; House 115-0*

### **HB 279 — Students/Administering Epinephrine**

by Rep. Grimsley and others (CS/SB 890 by Education Committee and Senators Wise and Crist)

The bill authorizes K-12 students who have experienced or are at risk for life-threatening allergic reactions to carry an epinephrine auto-injector and self-administer epinephrine by auto-injector if the school is provided with parental and physician authorization. After the school has received the appropriate authorization, the student may carry and self-administer epinephrine from an auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities.

The bill also requires the State Board of Education, with the cooperation of the Department of Health, to adopt rules for student use of epinephrine auto-injectors, and these rules must include provisions to protect the safety of all students from the misuse or abuse of auto-injectors.

Additionally, a school district, county health department, public-private partner, and their employees and volunteers are indemnified by the parent of a student authorized to carry an auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector.

If approved by the Governor, these provisions take effect January 1, 2006.

*Vote: Senate 39-0; House 114-0*

**HB 227 — Ms. Willie Ann Glenn Act/Children's Summer Nutrition Programs**  
by Rep. Greenstein and others (SB 752 by Senators Wise, Bullard, Klein, and Crist)

The bill requires school districts to develop a plan for sponsoring a summer nutrition program in each school district beginning in 2006, subject to specific criteria. The legislation sets forth requirements for the Department of Education and school districts to operate a summer program and also provides a procedure districts may use to seek an exemption from participation. Nonparticipating school districts are directed to encourage nonprofit entities to agree to operate the programs in their stead. School superintendents may collaborate with local government and private, nonprofit leaders to develop the plan. School districts must report to the Department of Education those summer nutrition program sites that comply with the new law.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 37-0; House 113-0*

**SB 1678 — Determination of Public School Class Size Averages**

by Senators Alexander, Lynn, and Crist

The bill provides that if a school district's actual October survey of student membership exceeds the student membership which had been projected for the district in the Florida Education Finance Program first calculation, then the projected number shall be the number used to determine whether the school district is in compliance with meeting the class size reduction requirement.

The bill further provides that if a district has had funds transferred from its class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction and the school district meets the class size reduction in the subsequent year, then the transfer may be reversed and moneys moved back to the class size reduction operating categorical from the fixed capital outlay appropriation for class size reduction.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 116-1*

**HB 579 — Acceleration Mechanisms**

by Rep. Proctor and others (CS/SB 664 by Education Committee and Senators Clary and Crist)

The bill amends several sections of law to incorporate references to the Advanced International Certificate of Education (AICE) and codifies the International General Certificate of Secondary Education (pre-AICE) program.

The AICE program is an international pre-university curriculum and examination system similar to the International Baccalaureate (IB) program. Its courses are designed to be the equivalent of

those offered at universities in the United States. Students who obtain a sufficient score on an AICE examination may be exempt from certain college requirements.

The pre-AICE curriculum program is for students in grades 9 and 10; its courses are designed to be the equivalent of upper-level high school courses. Students who participate in pre-AICE programs may be more successful in IB, Advanced Placement, and AICE classes.

Specifically, the bill:

- Adds AICE and pre-AICE to the list of school choice options that may be available in school districts.
- Adds AICE to the list of educational programs that postsecondary institutions must collaborate on to develop articulated programs.
- Adds AICE and pre-AICE courses to the list of advanced fine arts courses that state universities can use if a state undergraduate admission candidate requests a recalculation of his or her grade point average.
- Requires that pre-AICE examinations be provided free of charge to students.
- Adds pre-AICE and AICE programs to the list of courses for which the DOE must assign additional weight for purposes of calculating grade point averages for Bright Futures Scholarships.
- Requires that the AICE curriculum and diploma are recognized for certain purposes in determining eligibility for the Florida Academic Scholars Award and the Florida Medallion Scholars Award.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 113-0*

## **HB 209 — School Students/Psychotropic Medication**

by Rep. Barreiro and others (CS/CS/SB 1766 by Health Care Committee; Education Committee; and Senators Crist and Posey)

This bill provides that a recipient of state funds may not require that a student be prescribed or administered psychotropic medication as a prerequisite to attending school, receiving school services, or participating in extracurricular activities. The administration of psychotropic medication in public schools must be done pursuant to s. 1006.062, F.S. The term “psychotropic medication” is defined to mean a prescription medication that is used for the treatment of mental disorders. The bill also requires parental notification prior to the evaluation of a student for

classification or placement as an exceptional student for any disorder listed in the Diagnostic and Statistical Manual of Mental Disorders. Parents must be advised that an underlying physical condition may be the cause of the behaviors prompting the evaluation and they are encouraged to consult with a physician. In addition, parents must be advised of their right to decline an evaluation, and that an evaluation and subsequent classification may be documented in the student's cumulative record.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 116-0*

## **POSTSECONDARY EDUCATION**

### **HB 1089 — Independent Postsecondary Education**

by Rep. Greenstein (SB 1250 by Senator Wise)

The bill places new reporting requirements upon independent postsecondary educational institutions licensed by the Commission for Independent Education (commission). The bill broadens the powers of the commission to investigate complaints and to conduct hearings about complaints against institutions under its jurisdiction. The commission may select specific penalties as authorized by the bill upon a finding of violation of the law or commission rules.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 114-0*

### **HB 1091 — Independent Education/Public Records Exemption**

by Rep. Greenstein (CS/CS/SB 1272 by Governmental Oversight and Productivity Committee; Education Committee; and Senator Wise)

The bill provides a public records exemption to the Commission for Independent Education. The exemption covers investigatory records, those portions of a probable cause panel meeting at which such records are discussed, and the minutes and findings of a probable cause panel meeting conducted in conjunction with the investigation of a complaint.

The bill also provides for the Open Government Sunset Review of this exemption before October 2, 2010 and, unless reviewed and saved from repeal through reenactment by the Legislature, the public records exemption shall stand repealed on that date.

If approved by the Governor, these provisions take effect upon the same date that HB 1089 or similar legislation takes effect, if such legislation is adopted in the same legislative session and becomes law.

*Vote: Senate 39-0; House 111-2*

## **CS/SB 658 — University of South Florida St. Petersburg/Student Center Support Fee**

by Education Appropriations Committee and Senators Sebesta and Wilson

The bill authorizes the Campus Board of the University of South Florida St. Petersburg to submit a proposal to levy a student-center-support fee. The fee may be used to retire bonds or other debt issued for the planning, constructing, equipping, or operating of the student center facility.

The fee must be recommended by a committee, at least half of whom are students appointed by the president of the student body and the remainder appointed by the campus board. The campus board and the president of the student body shall jointly appoint a chairperson, who only votes in case of a tie. A fee may not be levied until approved by the University of South Florida (USF) president and the USF Board of Trustees.

The fee would not be included in calculating the amount a student receives under the Bright Futures Scholarships Program.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 40-0; House 113-2*

## **HB 1001 — Board of Governors/State University System**

by Reps. Goodlette, Meador, and others (CS/SB 1920 by Education Committee and Senator Lynn)

This bill seeks to clarify the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System. In particular, the Board of Governors, or its designee, is responsible for the following duties:

- Defining the distinctive mission of each constituent university;
- Defining the articulation of each constituent university in conjunction with the Legislature's authority over the public schools and community colleges;
- Ensuring the well-planned coordination and operation of the State University System;
- Avoiding wasteful duplication of facilities or programs within the State University System;
- Accounting for expenditure of funds appropriated by the Legislature for the State University System as provided by law;

- Submitting a budget request for legislative appropriations for the institutions under the supervision of the board as provided by law;
- Adopting strategic plans for the State University System and each constituent university;
- Approving, reviewing, and terminating State University System degree programs;
- Governing admissions to the state universities;
- Serving as the public employer with respect to all public employees of state universities for collective bargaining purposes;
- Establishing a personnel system for all state university employees; however, the Department of Management Services shall retain authority over state university employees for programs established in s. 110.123, F.S., (state group insurance program), s. 110.1232, F.S., (health insurance coverage for certain retirees under state-administered retirement systems), s. 110.1234, F.S., (health insurance for retirees under the Florida Retirement System), s. 110.1238, F.S., (state group health insurance plan; refunds of provider overcharges), and s. 110.161, F.S., (pretax benefits program); and in ch. 121, F.S., (Florida Retirement System), ch. 122, F.S., (State and County Retirement System), and ch. 238, F.S., (Teachers' Retirement System); and
- Complying with, and enforcing for institutions under the board's jurisdiction, all applicable local, state, and federal laws.

In addition, the bill prohibits any member of the statewide Board of Governors of the State University System, and any member of a state university board of trustees, from having any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045, F.S.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 111-5*

## **CS/CS/SB 2236 — Tuition Rates/State Universities and Community Colleges**

by Education Appropriations Committee; Education Committee; and Senators Constantine and Campbell

The bill enacts an excess credit hour policy that requires students to pay 75 percent over the in-state tuition rate for credit hours a student takes in excess of 120 percent of the credit hours required for their associate or baccalaureate degree requirements. The excess credit hour policy contains several exemptions.

The bill also authorizes university boards of trustees to set tuition and fees for graduate, graduate professional, and nonresident students, unless otherwise provided by law. At least 20 percent of any tuition increase authorized by a university board of trustees under this committee substitute must be allocated for need-based financial aid for students.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 112-5*

## **CS/CS/SB 2264 — Instructional Costs/Postsecondary Education Students**

by Education Appropriations Committee; Education Committee; and Senator Atwater

The bill revises the determination of residency for tuition purposes at the state universities and community colleges by requiring a student or his or her parent, if the student is a dependent child, to establish and maintain legal residency for at least 12 consecutive months immediately before the student's initial enrollment at a public postsecondary institution.

The term "dependent child" is revised for purposes of establishing residency for tuition purposes to provide that a dependent child is a student who is eligible to be claimed by his or her parent as a dependent under the federal income tax code and who receives at least 51 percent of true cost-of-living expenses from his or her parent as further defined in rules of the State Board of Education and postsecondary residential guidelines. However, if a dependent child and his or her parent moves to this state while the child is a high school student and the child graduates from a high school in this state, the dependent child may become eligible for reclassification as a resident for tuition purposes when the parent qualifies for permanent residency.

Additionally, the bill establishes reclassification requirements for those students who want to change their classification from nonresident to resident for tuition purposes. To meet reclassification requirements, a student, or his or her parent if the student is a dependent child, must provide documentation of non-temporary, full-time employment and domicile in the state for 12 consecutive months while not enrolled at an institution of higher education.

The bill also authorizes each university board of trustees to set tuition and fees for graduate, graduate professional, and nonresident students, unless otherwise provided by law. At least 20 percent of any tuition increases authorized by a university board of trustees under this bill must be allocated for need-based financial aid for students.

The bill further provides that private postsecondary institutions that admit students under the Florida Resident Access Grants and the Access to Better Learning and Education Grant must comply with the residency determination as provided in s. 1009.21, F.S., the rules implementing that section, and the postsecondary guidelines of the Department of Education. Finally, a student enrolled at a private postsecondary institution is prohibited from receiving more than one state tuition assistance grant during a single semester.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 117-1*

### **SB 670 — Community College Capital Improvement Fee**

by Senators Jones and Wilson

The bill allows each community college board of trustees to increase the fee for capital improvements, technology enhancements, or equipping student buildings. The calculation for determining the fee is changed from a flat rate of \$1 per credit hour to 10 percent of tuition. The bill limits the amount of the increase for state residents to \$2 per credit hour over the prior year. The fee may be bonded, but all bonds must be issued by the state's Division of Bond Finance.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 107-2*

### **HB 1729 — Florida College Savings Program/Open Government Sunset Review**

by Governmental Operations Committee and Rep. Kottkamp (CS/SB 896 by Governmental Oversight and Productivity Committee; Education Committee; and Senator Wilson)

This bill reenacts and narrows the public records exemption contained in the Florida College Savings Program in accordance with the Open Government Sunset Review Act. The bill maintains the exemption for information that identifies the benefactors or the designated beneficiary of any account initiated under the program. The exemption is narrowed by deleting that portion of the exemption that protects "individual account activities" conducted through the savings program as that term is undefined and because the exemption still protects the identity of the benefactors or designated beneficiaries of those accounts.

If approved by the Governor, these provisions take effect October 1, 2005.

*Vote: Senate 39-0; House 113-0*

## **GENERAL EDUCATION**

### **HB 193 — Chad Meredith Act/Hazing**

by Rep. Hasner and others (CS/CS/SB 782 by Justice Appropriations Committee; Criminal Justice Committee; and Senators Campbell and Bullard)

The bill expands the definition of "hazing" as it applies to postsecondary institutions and prohibits high school hazing for grades 9 through 12. "Hazing" means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for



purposes, including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a high school or postsecondary institution, as applicable. “Hazing” does not include customary athletic events or other similar contests or competitions.

Hazing at the high school or college level shall be a first degree misdemeanor if the hazing creates a substantial risk of physical injury or death, or a third degree felony if the hazing results in serious bodily injury or death. A court is required to order an individual convicted of hazing to attend and complete a 4-hour hazing education course and may also impose a condition of drug or alcohol probation.

The bill provides that certain defenses to a criminal action are not applicable to the crime of hazing. These prohibited defenses include consent of the victim, the hazing was not part of an official organizational event, or the hazing was not conducted as a condition of membership into the organization.

If approved by the Governor, these provisions take effect July 1, 2005, and apply to offenses committed on or after that date.

*Vote: Senate 39-0; House 115-1*

## **HB 449 — H. Lee Moffitt Cancer Center and Research Institute/Public Records Exemption**

by Rep. Ambler and others (CS/SB 1082 by Governmental Oversight and Productivity Committee and Senators Miller, Atwater, Wilson, and Crist)

The bill revises the definition of “trade secrets” for purposes of the public records exemption for proprietary confidential business information owned or controlled by the not-for-profit corporation operating the H. Lee Moffitt Cancer Center and Research Institute and its subsidiaries to include: (1) information relating to methods of manufacture or production; (2) potential trade secrets; (3) potentially patentable materials; and (4) proprietary information received, generated, ascertained, or discovered during the course of research conducted by the not-for-profit corporation or its subsidiaries.

In addition, the bill expands the public records exemption to exempt from public disclosure any information received by the not-for-profit corporation or its subsidiaries from an agency in Florida or another state or nation, or from the federal government which is otherwise exempt or confidential pursuant to the state or federal laws of the respective state or nation.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 113-0*

### **CS/CS/SB 2550 — Assistive Technology Device/Services**

by Commerce and Consumer Services Committee; Education Committee; and Senators Wise and Lynn

The bill requires interagency agreements for assistive technology devices for individuals with disabilities and delineates the parties to these agreements, including the Voluntary Prekindergarten Education Program and entities within the Department of Health and the Department of Education. One of the purposes of the agreements is to ensure that individuals with disabilities who are given assistive technology devices may retain these devices as they transition through the home, educational system, employment, and independent living. The agreements must contain a mechanism enabling the individual or his or her parent to request retention of an assistive technology device for use during transitions.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 37-0; House 117-0*

### **HB 1099 — Assistive Technology Council**

by Rep. Justice (CS/SB 1704 by Education Committee and Senators Klein and Lynn)

The bill reestablishes and revises Florida's Assistive Technology Advisory Council, an appointed group responsible for statewide policy development and advocacy of technology-related assistance to persons with disabilities. The bill aligns the council's work to conform to recent revisions in federal law related to assistive technology for persons with disabilities. These changes to federal law are prescribed in Public Law No. 108-364, a reauthorization of the Assistive Technology Act of 1998, which established assistive technology resource networks in states. The reauthorization of federal law redefines the primary purpose of the program from establishing assistive technology resource networks in states to directly helping individuals with disabilities who need assistive technology devices.

The bill also requires that the majority of council members must include family members of disabled persons and expands council membership to include representatives from specific agencies that work directly with individuals with disabilities. The bill allows for the appointment of retired, former council members who have been retired from the council for at least one year.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 114-0*

## **HB 885 — Regional Autism Centers**

by Rep. Goldstein and others (CS/CS/SB 1716 by Children and Families Committee; Education Committee; and Senators Klein and Rich)

The bill increases the number of regional autism centers from six to seven and modifies the service area for two existing centers. The new center is created at the Department of Exceptional Student Education at Florida Atlantic University. The service area for this regional center consists of Palm Beach, Indian River, Martin, Okeechobee, and St. Lucie Counties. The bill further designates the Department of Psychology as an additional site at the University of Miami regional center. The bill requires consistent service delivery for all centers and encourages the board for each center to raise funds that are equivalent to two percent of the center's total fund allocation for each fiscal year. Finally, the bill prohibits direct medical intervention or pharmaceutical intervention at any center effective July 1, 2008.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 114-0*